IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7860 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any OJJJ

JJJJ

ORAL JUDGEMENT

Rule. Service of rule is waived by learned advocate Shri R.H. Mehta for respondent No. 2, learned advocate Shri D.G. Chauhan appearing for learned advocate Shri K.M. Patel for respondent No. 1 and learned advocate Shri M.R. Shah for respondent No. 3

2. The grievance which the petitioners have ventilated in this petition is with regard to respondent No. 2 not treating the petitioners as their employees. It is the case of the petitioners that they are workmen of respondent No. 1 contractor, but, in fact, they are employees or workmen of respondent No. 1 and, therefore, the prayer of the petitioners is that they should be treated as regular workmen/employees of respondent No. 2.

3. Such a petition cannot be entertained as it involves disputed questions of fact. In the circumstances, it has been very fairly submitted by learned advocate Shri Parekh appearing for the petitioners that if the petitioners have not approached the Conciliation Officer so far, they shall do so within a week from today so that their demands can be considered under the provisions of the Industrial Disputes Act, 1947.

4. It is hoped that the Conciliation Officer shall conclude the conciliation proceedings within 3 months from the date of initiation of the conciliation proceedings and shall submit his report to the appropriate Government. Upon receipt of the failure report, the appropriate Government shall take decision with regard to making reference or otherwise within 2 months from the date of receipt of the failure report.

5. It has been submitted by learned advocate Shri R.H. Mehta appearing for respondent No. 2 that the labour contract entered into by respondent No. 1 with respondent No. 2 had come to an end on 14th July 2000 and he has submitted that the petitioners are not working at the establishment of respondent No. 2. Even learned advocate Shri Chauhan appearing for respondent No. 1 has submitted that the petitioners are not in employment of respondent No. 1 at present. Be that as it may, the petitioners shall approach the appropriate authority in accordance with law.

6. In view of the above directions, learned advocate Shri Parekh seeks permission to withdraw this petition.

Permission granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs.

(A.R. Dave, J.)

(hn)